



Paper No. 11

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OFFICE OF PETITIONS

In re Application of :
Luke Chu and Mark Sullivan :
Application No. 09/885,674 : DECISION ACCORDING STATUS
Filed: June 20, 2001 : UNDER 37 CFR 1.47(a)
Title: SYSTEM AND METHOD FOR :
ADMINISTRATION OF NETWORK FINANCIAL: :
TRANSACTION TERMINALS :

This is in response to the "Petition under 37 CFR 1.47(a)," filed February 12, 2002.

The petition under 37 CFR 1.47(a) is GRANTED.

The above-identified application was filed on June 20, 2001, without an executed oath or declaration. Luke Chu and Mark Sullivan were named as joint inventors. Accordingly, on August 16, 2001, applicants were mailed a "Notice to File Missing Parts of Application - Filing Date Granted," requesting an executed oath or declaration in compliance with \$1.63, and a surcharge for its late filing under \$1.16(e). In reply, applicant filed the instant petition, made timely by an accompanying petition for a four-month extension of time (and fee); paid both the petition fee and the surcharge for late filing of the declaration; and submitted a declaration executed by inventor Luke Chu on behalf of himself and on behalf of non-signing inventor Mark Sullivan.

A grantable petition under 37 CFR 1.47(a) requires (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

By declaration of patent attorney George T. Marcou, rule 47 applicant set forth the facts relied on to conclude that inventor Sullivan refuses to join in the application. Per attorney Marcou this refusal is shown by inventor Sullivan's conduct; he has not responded to the request to sign the declaration. Accompanying attorney Marcou's statement is the following supporting documentary evidence: 1) a copy of the letter sent via Federal Express to inventor Sullivan on January 11, 2002 forwarding *inter alia* a copy of the application as filed and a declaration for patent for his signature; and 2) a copy of the Federal Express receipt showing receipt of the package at the inventor's last known address by "M. Sullivan" on January 14, 2002. Petitioner has shown that the non-signing inventor has refused to join in the above-identified application after having been presented with the application papers.

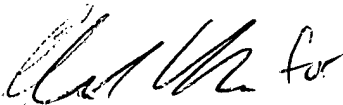
The declaration filed February 12, 2002, and the petition have been reviewed and found in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

A handwritten signature in dark ink, appearing to read 'B. Flanagan for', is written above the typed name.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy